

ARGUMENTS/REMARKS

Applicants would like to thank the Examiner for the personal interview conducted with the Examiner on June 16, 2005. This is a summary of the discussion at that interview.

Applicant's representative argued that the Ishige reference does not teach the "loudness perception parameters" recited in the claims, specifically, a "loudness perception parameters of the individual" and "normal loudness perception parameters". Applicant's representative pointed out that the Examiner cited the reference as teaching the equation " $G=b-a$ ", with the Examiner stating in the last Office action that "*a and b are sound pressure levels on the loudness curves of the normal person and user points*" (emphasis added), thus admitting that the gain of the reference is based on *sound pressure levels*, not loudness parameters. Furthermore, it was pointed out to the Examiner that Figure 6, showing sound pressure levels at a and b, shows loudness perception of the normal curve and the hearing impaired curve as being identical at that point. This means that it is clear that sound pressure level and loudness perception parameters are different.

Furthermore, applicant's representative discussed the fact that sound pressure levels and loudness perception parameters are not necessarily linearly related (see Figs. 2 and 4 of the application). Thus, the claim language directed toward "weighing" the loudness parameters cannot be made equivalent to the Ishige equation merely by substituting a different weighing parameter, because of the non-linear relationships.

We also discussed the rejection of claim 1 under section 112 for use of the term "one or both" in claim 5. It was pointed out to the Examiner that the claim could be rewritten using permissible independent and dependent claims that would logically lead to the same result, and that the rejection, therefore, was not proper. The Examiner agreed with this analysis.

Accordingly, the Examiner agreed to reconsider the rejections based on this discussion.

Finally, the Examiner requested clarification of the use of the factor HVLS/LOHL as in claim 4. We are requesting that the applicant provide us with a description of this factor, which will then be forwarded to the Examiner.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33495.

Respectfully submitted,

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